

REMARKS

Status of the Claims:

The Office Action dated July 20, 2006 has been received and reviewed by the applicant. Claims 35-38, 42, 45, and 46 are pending in the application. Claims 35-38, 42, 43, 45 and 46 are rejected. Claims 39-41, 44, 47-49 have been withdrawn.

Claim Rejection - 35 USC §102

Claims 35-36, 39, 42, 46 were rejected under 35 U.S.C. 102(b) as being anticipated by Cox et al (US 6,055,262).

Cox teaches an electrically pumped laser that includes a grating structure. The grating is formed externally to the active region 22 in Fig. 1, and is distinctly separate from the active region. In contrast, the claimed invention of claim 35 claims an asymmetric geometric element that includes a light emitting layer. Referring to Fig. 2 of Cox, elements 52 form a grating (see also, col. 6, lines 27-30), elements 62, 64 indicate the active region (Col. 7, line 18). As can be clearly seen from Fig. 2, these are separate elements, rather than a single element that includes a light emitting layer, as claimed by the Applicants.

Moreover, Cox does not teach a light emitting layer responsive to light from an excitation layer as claimed in Claim 35(a) by the Applicants. Active region 22 in Cox's Fig. 1 is instead responsive to current, as disclosed by Cox in Col. 5, lines 35-57 and indicated by reference to current flow 27 in Fig. 1. Furthermore, Cox does not disclose a plurality of light emitting species with different and random orientations. Specifically, the materials pointed out by the Examiner in Col. 6, lines 2-5 (Ga, Al, and As) do not have different and random orientations.

Therefore, independent claims 35 and 46 are novel, because at least one of Applicants' features is missing in Cox. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(b). The remaining claims are dependent from these claims and are considered to be patentable for at least the same reasons.

Claim Rejection - 35 USC §103

Claim 37 was rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. (US 6,055,262) in view of Spoonhower et al. (US 2004/0190484).

Claim 43 was rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. (US 6,055,262) in view of Amos et al. (US 6,785,200).

Claim 43 was rejected under 35 U.S.C. 103(a) as being unpatentable over Cox et al. (US 6,055,262) in view of El-Bahar (US 2004/0179566), but the Applicant believes the rejection to apply to claim 45, because of the Examiner's mention of "white light" being part of the claim.

For the reasons given above regarding the independent claim 35, Claims 37, 43, and 45 are believed allowable, because at least one of Applicants' features is missing in the cited combination. Therefore, the Examiner hasn't made a proper prima facie case for rejecting the aforementioned claims.

Applicants have reviewed the cited art made of record and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable. The Applicants believe, in good faith, that the claims in the application are allowable over the cited art and such allowance is respectfully requested. If any formal matters remain after this response, Applicants' attorney would appreciate a telephone call to attend to these matters.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.